



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

July 8, 2008

MEMORANDUM

To: Idaho Water Resources Board

From: Charles D. Galloway, Chief, Resource Protection Bureau
Thomas F. Neace, Manager, Ground Water Protection

RE: Revised Well Construction Rules for 2009 Idaho Legislature

Attached are the proposed revised Well Construction Standards Rules IDAPA 37.03.09 for consideration of the Idaho Water Resource Board. There have been no substantive changes in the Well Construction Rules since 1988. Rule changes are necessary to protect the ground water resources of Idaho from waste and contamination. The Department has used an extensive two-year long negotiated rulemaking process to facilitate in the development of the enclosed proposed rules.

The Department held 16 full day negotiated rulemaking meetings between June 2006 and May 2008. The Department also facilitated many conference calls for additional discussion and negotiation on specific elements of the proposed rules. A wide variety of stakeholders have participated in the negotiated rulemaking process including representatives of the Idaho Ground Water Association, independent drillers, pump installers, professional geologists, professional engineers, public water systems, Idaho Rural Water Association, the Idaho Department of Environmental Quality, private attorneys and some District Health Departments.

The proposed changes to the rules consist of text clarification to meet the intent of the Idaho Code 42-235 and 42-238 and to eliminate conflicts within the current rules which have impeded enforcement efforts. Areas of the rules undergoing the greatest revision include: 1) Better and more comprehensive definitions; 2) clarification on the minimum requirements for all wells; 3) increased minimum standards on steel casing wall thicknesses; 4) specific provisions and allowance for the use of thermoplastic pipe (PVC) as casing and/or liner with out having to obtain a waiver for each instance; 5) requirements for better annular seals to prevent contamination, aquifer commingling, and loss of ground water; 6) improved standards and methodology concerning well disinfection, to protect public health and safety, and 7) increasing the minimum surface seal from 18 to 38 feet.

The Department appreciates your consideration of these important revisions to the existing rules. Please do not hesitate to contact Tom Neace at 287-4935 if you have any questions.